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AMENDMENTS TO THE EDUCATIONAL LAWS

OF

LOWER CANADA,

SUGGESTED

BY THE COMMITTEE OF THE PROTESTANT EDUCATIONAL ASSOCIATION OF LOWER CANADA.

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INTRODUCTORY NOTE.

The Committee of the Protestant Educational Association, in preparing this draft of Amendments to the School Laws of Lower Canada, have aimed at interfering with the provisions of the existing law no further than was necessary for the relief of Protestants, and the securing to them a just liberty in the organization and management of schools suitable for the education of their children. The "Suggestions" they have already issued, embracing the substance of the Amendments now proposed, have received the cordial and unanimous approval of all the Dissident Trustees yet heard from. From many parts of the country in which there are Protestant Dissidents, they have received urgent requests to insist on an entire separation of the Roman Catholic and Protestant systems of education. It is their conviction that nothing less than this will be satisfactory to the Protestants of Lower Canada.

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Amendments to the Educational Laws of Lower Canada suggested by the Committee of the Protestant Educational Association of Lower Canada.

WHEREAS the Common Schools under the control of Roman Catholic Commissioners in Lower Canada are in fact and practice so thoroughly Roman Catholic in their character, that it is just and proper to secure to the Protestants of Lower Canada relief in the matter of School Assessments in certain cases, and the free exercise of their own rights and privileges in the matter of Education.

Therefore, &c.

Aid to Superior Educational Institutions.

1. That Section 6, cap. 15 of the Consolidated Statutes of Lower Canada be so far amended, as that "Superintendent" shall be taken and understood to mean the Roman Catholic and Protestant Superintendents, and that the said Income Fund shall be apportioned to them according to the ratio of the Roman Catholic and Protestant populations as determined by the decennial census, and that for this purpose, Protestant, shall mean all who are not returned a Roman Catholic.

2. That Section 9 be so far amended as that "Superintendent of Education" shall mean either the Roman Catholic or Protestant Superintendent.

Aid to Parish and Township Libraries.

3. That in Section 10 the "Superintendent of Education" shall mean either the Roman Catholic or Protestant Superintendent.

Normal Schools.

4. That Section 16 be amended so far as that the Protestant Normal School or Schools of Lower Canada shall be under the control of the Protestant Superintendent subject to the provisions of said section.

5. That Section 17 be amended in so far as relates to Protestants, as that the "Superintendent of Education" shall mean the Protestant Superintendent.

Of the Councils of Public Instruction.

6. That Sections 18 and 19 be repealed, and the following substituted in lieu thereof, viz.: The Governor may appoint thirty persons to be a Council of Public Instruction for Lower Canada, fifteen of whom shall be Roman Catholics, and fifteen Protestants representing the general Protestant community; and such persons shall form two separate and distinct Councils, the one for the Roman Catholics, the other for the Protestants; they shall hold their office during pleasure, and shall be subject to all lawful orders and directions in the exercise of their duties, which may from time to time be issued by the Governor in Council. The Roman Catholic and Protestant Superintendents shall be *ex-officio* members of their respective Councils, and shall each provide a place for the meetings of their own Councils, call the first meeting thereof, and may call such special meeting as may at any time be required. The expenses attending the proceedings of the Council shall be defrayed and accounted for by the Superintendents of Education, as part of the contingent expenses of the Education Offices. A recording Clerk shall be appointed to each of the said Councils, by the Governor in Council.

7. That Sections 20, 21, and 22, with their several sub-sections, shall be taken and understood as applying equally to the respective Councils and Superintendents.

Of the Superintendents of Education.

8. That Section 23 be repealed, and the following substituted in lieu thereof, viz.: The Governor may, from time to time, appoint by Letters Patent under the Great Seal of the Province, fit and proper persons to be Superintendents of Education for Lower Canada, and hold their office during pleasure; one of whom shall be Superintendent of Roman Catholic Schools and the other of Protestant Schools, which offices shall be the same as that called in some of the Acts hereby consolidated "Superintendent of Schools," and no enactment commission, instrument, or proceeding, shall in any way be invalidated by the use of the above-mentioned

titles as the names of the offices of the said Superintendents. The said Roman Catholic Superintendent shall receive a salary of four thousand dollars per annum, and shall be allowed nine hundred dollars per annum for a Secretary, and seven hundred dollars for a clerk, also the contingent expenses of his office. The said Protestant Superintendent shall receive a salary of two thousand five hundred dollars per annum, and shall be allowed nine hundred dollars per annum for a Secretary and clerk; also the contingent expenses of his office; and the said Superintendents shall each give security to Her Majesty, to the satisfaction of the Governor in Council, to the amount of \$8000.

9. That Sections 24, 25, and 26, shall equally apply to the Roman Catholic and Protestant Superintendents in the discharge of their respective functions.

*Division of Lower Canada into Municipalities and Districts for
Common School Purposes.*

10. All that relates to Dissentient Schools, Districts and Trustees in Sections 27, 28, 29, 30, 31, 32, and 33, be repealed in so far as relates to Protestants, and in lieu thereof substitute as follows:—

1. That the Protestant inhabitants of any existing City, Town or Village Municipality in which Protestants shall be in the minority other than the Cities of Montreal and Quebec, shall, for the purposes of this amended Act, be under the jurisdiction of the Protestant School Commissioners, elected for the Municipality of which such City, Town or Village makes a part, and shall have the right of voting at the election of such Protestant School Commissioners, subject always to the provisions that any Municipality established for Protestant School purposes hereafter in such City, Town or Village Municipalities, or part thereof, shall henceforth be a School Municipality.

2. But the Protestant Superintendent and Council of Public Instruction may, for Protestant purposes and where Protestants are in the minority, from time to time alter the limits of any existing School Municipalities, sub-divide the same, or establish new ones; of all which such public notice shall be given as such Superintendent and Council may direct.

3. Such Protestant School Commissioners shall divide the Municipality for which they are elected into School Districts as provided by Cap. 15, Sect. 31, Con. Stat., L. C., without any limitation as to the number of children resident in such Districts, and shall take care that there be Schools in each District as provided by Cap. 15, Sect. 33, Con. Stat., L. C.

Of School Commissioners—Their Election.

11. That Sections 34 to 54 both inclusive, be so far amended for the purposes of Protestant Schools only, as that the words "landholders and householders, School Municipalities, School Commissioners, Clergymen, Ministers of the Gospel, Justice of the Peace, Electors, Assessors, School Laws, Superintendent of Education, Religious Denominations, and Secretary Treasurer," shall be understood and interpreted as Protestant respectively, as also shall any other words in said Sections that require to be so construed for the purposes of this Amended Act.

Protestant School Commissioners, Non-Residents, &c.

12. That in so far as Sub-section 1st, Section 55, may refer to Protestants, it be repealed, and the following sub-sections enacted in lieu thereof:—

1. In any Municipality in which the majority of the inhabitants are Roman Catholics, and the Common Schools are under the care of Roman Catholic Commissioners, the Protestant inhabitants thereof may, either individually or collectively signify the fact of there being Protestants to such School Commissioners, and at the call of any three of their number, may meet and chose for themselves five Protestant School Commissioners for the purposes of this Amended Act.

2. The real estate of non-resident proprietors shall be assessed only by the Protestant School Commissioners when either by themselves or their agents, they declare themselves, in writing, to such Commissioners to be Protestants, and in the event of non-resident proprietors making no such declaration, then the assessment levied on them by the School Commissioners shall be divided between the Roman Catholic and Protestant School Commissioners according to the ratio of the respective populations in any Municipality.

3. That the assessment due by any Railway or Commercial Company shall be collected by the School Commissioners and divided between themselves and the Protestant or Roman Catholic School Commissioners, as the case may be, according to the ratio of the Roman Catholic and Protestant inhabitants in such Municipality, such sums to be paid annually by the Secretary Treasurer of the School Commissioners to the Secretary Treasurer of the Protestant or Roman Catholic School Commissioners.

13. That sub-section 2nd of Sect. 55, be repealed so far as concern Protestants and the following be substituted :—

Such Protestant School Commissioners shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those Schools only which shall be under their control ; and such Protestant residents and non-resident proprietors may, by the intervention of the Protestant School Commissioners, establish in the manner provided for other Schools, one or more Schools which shall be subject to the same provisions, duties, and supervision and shall be entitled to receive from the Protestant Superintendent and from the Protestant School Commissioners such sums as they may be entitled to by law proportionate to the Protestant population they represent.

14. That sub-section 3rd of Section 55 be repealed in so far as Protestants are concerned, and the following substituted in lieu thereof, viz. :—

If at the date of the passing of this amended Act, any School-house shall belong to or be occupied by Protestant dissentient Trustees, such school-house shall henceforth belong to and be used by the Protestant School Commissioners.

That Sub-section 4th, Sect. 55, in so far as Protestants are concerned be repealed.

15. That Sect. 56 so far as regards Protestants be amended as that “ the Trustees ” shall mean Protestant School Commissioners, and “ dissentients ” be taken for Protestants.

16. That Section 57, which has reference to Trustees of Dissentient Schools, shall be construed and understood as applicable

to Protestant School Commissioners, and Protestant Schools, except in so far as the same is hereinafter amended, namely; that sub-section 1, of Section 57 be repealed, and the following substituted in lieu thereof, viz.,

1. That whenever, in any Protestant municipality, Protestant School Commissioners shall have been elected, they shall from the date of such election acquire the right of receiving for the following and all future years the assessments levied on the Protestant inhabitants as hereinafter provided, and such assessments as may be due to Protestant Dissident Trustees.

2. Repeal also sub-section 3, and substitute the following in lieu thereof, viz., That the said Protestant School Commissioners shall be a corporation for the purposes of their own Protestant Schools, and shall be entitled to receive from the Protestant Superintendent of Education such share of the General School Fund and of any building fund as may be lawful.

3. Repeal also sub-section 5, and enact as follows, viz: that in no case shall any Protestant resident or non-resident be compelled to pay assessments for the erection or support of Schools under the care of Roman Catholic Commissioners commonly called in the School Act, the School Commissioners; and in Municipalities where there are no Protestant Commissioners, Protestant residents and non-residents shall pay the ordinary rate of assessment in the municipality to the Protestant Superintendent of Education, to be by him appropriated for educational purposes among such Protestant residents.

17. That Section 58 shall apply to Protestant School Commissioners.

Secretary Treasurers.

18. That Sections 59 to 63 both inclusive in so far as applicable to Trustees shall apply to Protestant School Commissioners; and in so far as said Commissioners are concerned the Superintendent of Education referred to in sect. 63, shall mean the Protestant Superintendent.

Duties of School Commissioners—with respect to School Property.

19. That Section 64 in so far as applicable to Trustees shall equally apply to Protestant School Commissioners; and for Protestant purposes the Superintendent of Education referred to in

sub-section 8th of said section shall mean the Protestant Superintendent of Education.

— *With respect to Schools, Teachers, &c*

20. That Sections 65 to 69 in so far as applicable to Trustees shall apply to Protestant School Commissioners; and the Council of Public Instruction referred to in sub-section 2, Sect. 65, shall for Protestant purposes be taken as the Protestant Council of Public Instruction.

— *With respect to Schools for Girls. Annual Census.*

21. That Sections 70 and 71, in so far as applicable to Trustees, shall apply to Protestant Commissioners.

— *With respect to Inspectors of Schools.*

22. That Section 72, in so far as applicable to Trustees, shall apply to Protestant School Commissioners and the Superintendent of Education referred to in sub-section 2nd of said Section shall, for Protestant purposes, mean the Protestant Superintendent of Education.

— *With respect to Assessment Rates, Assessors, &c.*

23. That Sections 73 to 85, both inclusive, in so far as applicable to Trustees or Dissentent Schools shall apply to Protestant School Commissioners and Protestant Schools.

24. That Section 86 shall, for Protestant purposes, apply to the Protestant Superintendent of Education and Protestant Municipalities.

25. That Section 87, in so far as applicable to Trustees, shall apply to Protestant School Commissioners.

Distribution and Application of Common School Funds.

26. That Section 88, in so far as applicable to Protestants, be repealed, and the following substituted in lieu thereof, viz., The sums constituting the Lower Canada Common School Fund may be paid to the respective Superintendents of Education according to the ratio of the Roman Catholic and Protestant inhabitants, at the then last decennial census, under accountable warrants to the Receiver-General, to be issued by the Governor, and the respective Superintendents shall deposit the same in such Bank as the Governor in Council may direct, and shall apportion the same according

to law among their several Municipalities, shall pay to School Commissioners the respective shares belonging to the Municipalities they represent, by cheques drawn upon such Bank and made payable to their order, and shall account according to law for such moneys.

27. That Sections 89 to 97, both inclusive be amended so far as that the word "Superintendent of Education" shall mean the respective Superintendents of Education, and for Protestant purposes, "Trustees" shall mean the Protestant School Commissioners, and "School Municipality" shall for Protestant purposes, mean Protestant School Municipality.

28. That Section 98 shall be so far amended as that the "Superintendent of Education" shall mean the "Superintendents of Education," and that there be added to sub-section 1, the following words, viz., to be apportioned to the Superintendents according to the ratio of the Protestant and Roman Catholic population. Also that sub-section 2, be so far amended as that the appropriation shall be for a Journal to each department, Roman Catholic and Protestant. Also that sub-section 3 be so far amended as that the words "Superintendent of Education" shall mean Superintendents of Education, and that the words "or by the Council of Public Instruction of Lower Canada" be omitted. Also that Section 99 shall equally apply to any balance in the hands of the Protestant Superintendent.

Application of Local Funds in certain cases.

29. That Sections 100 to 102, both inclusive, so far as applicable to Trustees, shall apply to Protestant School Commissioners, with the exception that Section 102 be amended in so far as applicable to Protestants, by substituting "Protestant Superintendent of Education, may with the approval of the Protestant Council of Public Instruction," in lieu of "the Superintendent of Education, may with the approval of the Governor in Council."

Of the Boards of Examiners and the Examination of School Teachers.

30. That in Sections 103 to 109 both inclusive, wherever the words Superintendent of Education occur they should be understood as the Roman Catholic and Protestant Superintendents respectively.

Duties of the Boards of Examiners.

31. That in Sections 110 to 113, both inclusive, wherever the word "Trustees" occurs it shall mean the Protestant School Commissioners; and the words "Council of Public Instruction," in sub-section 10, Section 110, shall mean the Roman Catholic and Protestant Councils of Public Instruction respectively; and the words Superintendent of Education shall mean the Roman Catholic and Protestant Superintendents respectively.

Inspectors of Common Schools.

32. That Section 114, in so far as applicable to Protestant Schools, shall be repealed, and the following substituted in lieu thereof, viz., That the Protestant Superintendent and Council of Public Instruction shall appoint one or more competent persons as Inspectors of Protestant Schools in the several Protestant Municipalities whose duties shall be the same as those prescribed in said Section 114.

33. That Sections 115 to 119 both inclusive shall apply to Inspectors of Protestant Schools, and, in so far as applicable to Protestants, the Superintendent of Education shall mean the Protestant Superintendent of Education.

Common School Visitors.

34. That in Sections 120 and 122, both inclusive, for Protestant purposes, the words "Common Schools, Municipality, and Superintendent of Education" shall mean respectively Protestant Common Schools, Municipality, and Superintendent of Education.

Suits and Prosecutions.

35. That in Sect. 123 to 127 wherever the word "Trustees" or "Trustee" occur it shall mean Protestant School Commissioners or Commissioner; and, for Protestant purposes, the Superintendent of Education referred to in Sect. 127 shall mean the Protestant Superintendent.

Special Provisions Relating to the Cities of Quebec and Montreal.

36. That Section 130 having reference to Common Schools in the cities of Quebec and Montreal shall be repealed and the following substituted in lieu thereof, viz.

In each of the cities of Quebec and Montreal twenty-four School Commissioners shall be appointed, twelve of whom shall be Roman

Catholics and twelve Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for Roman Catholics and the other for Protestants; four of whom respectively shall form a quorum for the transaction of business. One half of these Commissioners shall be appointed by the City Corporations, and the other half by the Roman Catholic and Protestant Councils of Public Instruction respectively. One half of the said Boards shall be renewed annually, three of each by the Corporations and three by the respective Councils of Public Instruction. In case the Corporations of the City of Quebec and Montreal or the Councils of Public Instruction refuse or neglect to appoint such Commissioners or to renew them at the time prescribed, that is to say in the month of July of each year, the respective Superintendents of Education shall appoint them *ex officio* for their separate Boards with the approval of the Governor in Council. The said Superintendents shall also appoint other persons for their respective Boards, in lieu of any who may die, resign office, or permanently remove from the city, whose term of office shall be the same as those in whose room they may be appointed.

37. That Section 131 be repealed, and the following substituted in lieu thereof, viz.

In the cities of Quebec and Montreal the Roman Catholic and Protestant Boards shall, in the month of January or February of each year, specify in writing the amount of money required each year for the maintenance of their respective Schools, the building of new Schools, the repair of existing Schools, and contingent expenses. The same shall, by the authority of said Board, be presented to one of the Judges of the Superior Court, information of which shall be sent to the City Corporations; and said Judge shall, if, on evidence presented, he considers such amounts or any less amounts correct and necessary, without appeal, so discern and certify. The Boards shall then present a requisition to the Treasurers of the Corporations aforesaid for the amounts so presented and certified, and it shall be the duty of the Treasurers of said Corporations to levy an assessment on the real estate of Roman Catholics for Roman Catholic Schools, and on the real estate of Protestants for Protestant Schools in the said cities of Quebec and Montreal. Such assessment not to exceed in any one year, one-eighth of one

per cent. of the value of said property, and to be assessed and levied in the same way as assessments for Municipal purposes.

38. That Section 132 be repealed.

39. That Section 133 be repealed, and the following substituted in lieu thereof, viz.

That all Protestant Model or Common Schools in Montreal requiring or receiving aid from the public funds of the Province shall henceforth be under the care of the Protestant Board, without interfering with any existing managers or Corporations, except with consent of the parties themselves, and that all special grants to any such Schools shall henceforth cease, they receiving from the Protestant Board such sums as may be deemed necessary for their maintenance. The respective Boards for the said cities shall receive from their respective Superintendents out of the Common School Fund such sums as they may respectively be entitled to according to the population they represent.

40. That Section 134 be so far amended as that respective Superintendents be substituted for Superintendent.

Miscellaneous Provisions, Quorums, &c.

41. That Sections 135 to 137 both inclusive in so far as applicable to Trustees shall apply to Protestant School Commissioners; and for Protestant purposes the Superintendent of Education shall be understood to mean the Protestant Superintendent of Education.

Roman Catholic Minorities.

42. That Section 138 shall be as follows, viz. :

That in School Municipalities where the majority of the inhabitants entitled to vote for School Commissioners are Protestants, the School Commissioners shall be taken and regarded as Protestant School Commissioners, and be under the jurisdiction of the Protestant Superintendent of Education, and the Protestant Council of Public Instruction; and that all Roman Catholic residents and non-residents in said districts shall *mutatis mutandis* be entitled to claim and enjoy the same rights and privileges as by this Amended Act are accorded to Protestants in Municipalities where they are in the minority.

Rights of Parents.

43. That Section 139 be as follows, viz. :

That in no Protestant School shall any pupil whose parents make objection, be required to attend any religious exercise, or to use any religious Book that may be held or used in such School.

Rights of Parties neither Roman Catholic nor Protestant, &c.

44. That Section 140 be as follows, viz. :

That all persons not Roman Catholics, and not professing to be Protestants, may claim and enjoy the same rights and privileges as are accorded to Protestants in this Amended Act, and that the claims of persons speaking different languages be attended to by the respective Councils of Education.

45. That the Protestant Council of Public Instruction shall have power to make such rules and regulations for the carrying out of this Amended Act in so far as it relates to Protestants and as may not be contrary to any law of Lower Canada.

Interpretation.

46. That Section 138 be repealed, and the following substituted in lieu thereof :

In this Act, the word "Teacher" shall apply to female as well as male Teachers, any power given to or obligation imposed upon School Commissioners shall apply equally to Roman Catholic and Protestant School Commissioners, in reference to the Schools and School districts under their control ; and the expression "Common Schools" shall apply equally to Roman Catholic and to Protestant Schools, and the words "Municipality or School Municipality" shall apply to Protestant Schools and School Municipalities under the control of Protestant School Commissioners as well as to Municipalities and Schools under the control of Roman Catholic School Commissioners.

Account to the Legislature.

47. That Section 139 shall be Section 142.

Collection of Rates.

48. That Cap xi, Sect. 2, of the Act 27 Vict., entitled "An Act to facilitate and diminish the cost of the collection of School rates," be so far amended as that in said Section, the word "Trustees" be understood as applying to Protestant School Commissioners.

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